



# County of Los Angeles CHIEF EXECUTIVE OFFICE

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(213) 974-1101  
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WILLIAM T FUJIOKA  
Chief Executive Officer

February 6, 2008

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

**DEPARTMENT OF PUBLIC WORKS: LOS ANGELES COUNTY  
WATERWORKS DISTRICTS  
APPROVAL OF FEE PAYMENT SCHEDULE FOR WILSONA SCHOOL DISTRICT'S  
NEW SADDLEBACK ELEMENTARY SCHOOL IN THE  
UNINCORPORATED AREA OF LAKE LOS ANGELES  
(SUPERVISORIAL DISTRICTS 3, 4, AND 5)  
(3 VOTES)**

**IT IS RECOMMENDED THAT YOUR BOARD ACTING AS THE GOVERNING BODY  
OF THE LOS ANGELES COUNTY WATERWORKS DISTRICTS:**

1. Find that the proposed actions are exempt from the provisions of the California Environmental Quality Act.
2. Adopt the Resolution amending the Rules and Regulations of the Los Angeles County Waterworks Districts and Marina del Rey Water System to establish a five-year payment schedule for Wilsona School District to pay the applicable Los Angeles County Waterworks District No. 40, Antelope Valley, fees for new water service to the Saddleback Elementary School in the unincorporated area of Lake Los Angeles.
3. Approve and execute the fee payment Agreement between Wilsona School District and the Los Angeles County Waterworks District No. 40, Antelope Valley.

Board of Supervisors  
GLORIA MOLINA  
First District

YVONNE B. BURKE  
Second District

ZEV YAROSLAVSKY  
Third District

DON KNABE  
Fourth District

MICHAEL D. ANTONOVICH  
Fifth District

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of the recommended actions is to establish a five-year payment schedule for the Wilsona School District to pay the Los Angeles County Waterworks District No. 40, Antelope Valley (District), fees in the amount of \$184,815 for new water service to the Saddleback Elementary School in the Lake Los Angeles community of the Antelope Valley. The payment schedule will allow the Wilsona School District to establish permanent water service required for the operation of the Saddleback Elementary School within its budgetary constraints.

### **Implementation of Strategic Plan Goals**

The Countywide Strategic Plan directs that we provide Children and Families' Well-Being (Goal 5) and Community Services (Goal 6) by facilitating the Wilsona School District's efforts to develop schools to improve the educational readiness of the County's children and enhance the quality of life for County residents.

### **FISCAL IMPACT/FINANCING**

There will be no impact to the County General Fund.

The payment schedule provides for the Wilsona School District to pay total fees in the amount of \$184,815 with five annual installments of \$36,963.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

Pursuant to Section 55333 of the California Water Code, the Board of Supervisors, as the governing body of the District, may adopt Rules and Regulations necessary for the administration and government of the District. Currently, the Rules and Regulations of the Los Angeles County Waterworks Districts and Marina del Rey Water System require that all fees for new water service be paid prior to the establishment of the new water service. The adoption of the Resolution will amend the Rules and Regulations to allow the Wilsona School District to pay the District's fees over five years based on a prescribed payment schedule. The Rules and Regulations are established for all the Los Angeles County Waterworks Districts and Marina del Rey Water System that are located in Supervisorial Districts 3, 4, and 5.

The Resolution and Agreement have been approved as to form by County Counsel.

The Honorable Board of Supervisors  
February 6, 2008  
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### **ENVIRONMENTAL DOCUMENTATION**

The adoption of the Resolution and approval of the fee payment Agreement are for the approval of an individual utility service connection that is considered a ministerial project and, therefore, statutorily exempt from the provisions of the California Environmental Quality Act pursuant to Section 15268(b)(4) of the California Environmental Quality Act Guidelines.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

The adoption of the Resolution and approval of the fee payment Agreement will facilitate the Wilsona School District's efforts to develop schools to improve the educational readiness of the County's children and enhance the quality of life for County residents. The proposed actions will not have any negative impacts on existing services or planned projects.

### **CONCLUSION**

Please return one adopted copy of this letter and Resolution and one fully-executed original of the Agreement to the Department of Public Works, Waterworks Division.

Respectfully submitted,



WILLIAM T FUJIOKA  
Chief Executive Officer

WTF:DLW  
AA:jtz

Attachment (2)

c: County Counsel

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF  
LOS ANGELES, CALIFORNIA, APPROVING THE ADDITION OF RULE 4-A-1U OF  
THE LOS ANGELES COUNTY WATERWORKS DISTRICTS  
RULES AND REGULATIONS**

WHEREAS, pursuant to the authority of the State of California Government Code Section 54999, et seq., the District is authorized to charge public entities pursuant to the State of California Water Code, Section 55000, et seq., and the Rules and Regulations of the Los Angeles County Waterworks Districts and the Marina del Rey Water System, hereinafter referred to as "Rules and Regulations"; and

WHEREAS, the Rules and Regulations require all Capital Improvement Charges, Local System Improvement Charges, Water Supply Reliability Fees, and Meter Application and Processing Charges, hereinafter referred to as "District Fees," to be paid prior to receiving water service; and

WHEREAS, pursuant to the State of California Water Code Section 55333, the Los Angeles County Board of Supervisors, hereinafter referred to as "Board," as the governing body of the District, may adopt the Rules and Regulations necessarily for the administration and government of the District; and

WHEREAS, the Board hereby amends the Rules and Regulations to allow Wilsona School District to make five (5) annual payments of Thirty-six Thousand Nine Hundred Sixty-three and 00/100 Dollars (\$36,963) for District Fees in the total amount of One Hundred Eighty-four Thousand Eight Hundred Fifteen and 00/100 Dollars (\$184,815.00) for water service to Saddleback Elementary School per the enclosed Agreement.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the Director of Public Works or his designee, is hereby authorized to add Rule 4-A-1u of the Rules and Regulations as follows:

4-A-1u      **WILSONA SCHOOL DISTRICT PAYMENT PLAN FOR APPLICABLE FEES AND CHARGES FOR WATER SERVICE TO SADDLEBACK ELEMENTARY SCHOOL**

Per Agreement No. \_\_\_\_\_ dated \_\_\_\_\_ between the Wilsona School District and Los Angeles County Waterworks District No. 40, Antelope Valley, the table below shows the payment schedule of applicable fees for water service to Saddleback Elementary School:

Payment No.	Payment Due Date	Payment Amount
1	01/08/2008	\$ 36,963
2	01/01/2009	\$ 36,963
3	01/01/2010	\$ 36,963
4	01/01/2011	\$ 36,963
5	01/01/2012	\$ 36,963
Total		\$184,815

The above payment schedule is only applicable to this specific application for water service to Saddleback Elementary School. Wilsona School District is prohibited from obtaining fee payment similar to this in the future.

The foregoing Resolution was adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2008, by the Board of Supervisors of the County of Los Angeles as the governing body of the Los Angeles County Waterworks Districts.

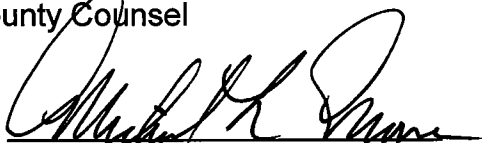
SACHI A. HAMAI  
Executive Officer of the  
Board of Supervisors of the  
County of Los Angeles

By \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:

RAYMOND G. FORTNER, JR.  
County Counsel

By



Deputy

## A G R E E M E N T

This AGREEMENT, made and entered into by and between Wilsona School District, hereinafter referred to as "Wilsona," and Los Angeles County Waterworks District No. 40, Antelope Valley, hereinafter referred to as "District":

## W I T N E S S E T H

WHEREAS, pursuant to the authority of the State of California Government Code Section 54999, et seq., District is authorized to charge public entities pursuant to the State of California Water Code, Section 55000, et seq., and the Rules and Regulations of the Los Angeles County Waterworks Districts and the Marina del Rey Water System, hereinafter referred to as "Rules and Regulations"; and

WHEREAS, Wilsona is constructing the Saddleback Elementary School project, hereinafter referred to as "Project," and Wilsona has requested water service from the District; and

WHEREAS, the Local Agency Formation Commission (LAFCO) is finalizing the annexation of the Project into the boundaries of the District, hereinafter referred to as "Annexation"; and

WHEREAS, in order to establish permanent water service, Wilsona must pay District fees totaling One Hundred Eighty-four Thousand Eight Hundred Fifteen and 00/100 Dollars (\$184,815.00), hereinafter referred to as "District Fees"; and

WHEREAS, Wilsona cannot immediately pay the entire amount of District Fees; and

WHEREAS, the Rules and Regulations require all District Fees to be paid prior to receiving water service; and

WHEREAS, pursuant to the State of California Water Code, Section 55333, the Board of Supervisors, as the governing body of the District, may adopt rules and regulations necessary for the administration and government of the District; and

WHEREAS, the District will amend the Rules and Regulations as shown in Exhibit B to allow Wilsona to make payments over five (5) years totaling District Fees as shown on Exhibit A; and

WHEREAS, Wilsona agrees to pay all required capacity charges to the Antelope Valley-East Kern Water Agency, hereinafter referred to as "AVEK," and provide a receipt of payment of said charges to the District prior to receiving water service; and

WHEREAS, Wilsona agrees to pay all required District fees for future Wilsona projects prior to requesting water service from the District, and District prohibits Wilsona from obtaining an agreement similar to this AGREEMENT in the future.

NOW, THEREFORE, it is hereby agreed as follows:

(1) Wilsona agrees:

- a. To pay District Fees totaling \$184,815 to the District for water service to the Project in five (5) payments as shown on Exhibit A.
- b. To pay AVEK capacity charges and provide a receipt of payment of said charges to the District prior to receiving water service.
- c. To finalize the Annexation with LAFCO.
- d. To pay all required District fees for future Wilsona projects prior to requesting water service from the District.

(2) District agrees:

- a. District will amend the Rules and Regulations as shown in Exhibit B to allow Wilsona to pay District Fees in five (5) payments as shown on Exhibit A, in lieu of payment of fees prior to providing water service to the Project.

(3) It is mutually understood and agreed as follows:

- a. The District will prohibit Wilsona from obtaining an agreement similar to this AGREEMENT in the future.
- b. Wilsona shall release District from any and all liability and will indemnify the District for all third-party claims relating to District's termination of this AGREEMENT and/or the District's ceasing to provide water service, if such termination or cessation of service is based on Wilsona's failure to pay the District in strict accordance with the schedule shown on Exhibit A. The foregoing release by Wilsona is granted hereby waiving and notwithstanding the provisions in Civil Code Section 1542, which states: "A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR." This section shall survive the termination of this AGREEMENT.
- c. This AGREEMENT is intended to benefit only the parties herein, without any third-party beneficiaries.

This AGREEMENT shall be binding upon the heirs, executors, and assigns of the parties hereto, and this AGREEMENT shall be recorded with the County Recorder of the County of Los Angeles.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective officers, duly authorized by Wilsona School District and by the Los Angeles County Waterworks District No. 40, Antelope Valley, on \_\_\_\_\_, 2008.

COUNTY OF LOS ANGELES  
acting on behalf of the Los Angeles  
County Waterworks District No. 40

ATTEST:

SACHI A. HAMAI  
Executive Officer of the  
Board of Supervisors of  
the County of Los Angeles

\_\_\_\_\_  
Chair, Board of Supervisors  
of the County of Los Angeles as  
body thereof

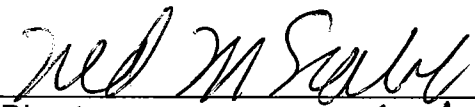
By \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:

RAYMOND G. FORTNIER, JR.  
County Counsel

By   
Deputy

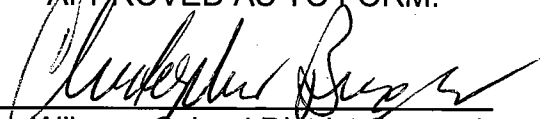
WILSONA SCHOOL DISTRICT

  
Director Superintendent

ATTEST:

\_\_\_\_\_  
Secretary

APPROVED AS TO FORM:

  
Wilsona School District Counsel

# Exhibit A

## Wilsona School District Payment Schedule Saddleback Elementary School Project

Payment No.	Payment Due Date	Payment Amount
1	01/08/2008	\$ 36,963
2	01/01/2009	\$ 36,963
3	01/01/2010	\$ 36,963
4	01/01/2011	\$ 36,963
5	01/01/2012	\$ 36,963
Total		\$184,815

## Exhibit B

Rule 4-A-1u of Part 4 of the Rules and Regulations of the Los Angeles County Waterworks Districts is hereby added as follows:

4-A-1u **WILSONA SCHOOL DISTRICT PAYMENT SCHEDULE FOR WATER SUPPLY AND WATER SUPPLY RELIABILITY CHARGES**

Per Agreement No. \_\_\_\_\_, adopted by the Board on \_\_\_\_\_, Los Angeles County Waterworks District No. 40, Antelope Valley, will allow Wilsona School District to pay the required Water Supply Charges and Water Supply Reliability Charges owed for obtaining water service to Saddleback Elementary School in five payments as shown in the table below, in lieu of payment of fees prior to providing water service to the school.

Payment No.	Payment Due Date	Payment Amount
1	01/08/2008	\$ 36,963
2	01/01/2009	\$ 36,963
3	01/01/2010	\$ 36,963
4	01/01/2011	\$ 36,963
5	01/01/2012	\$ 36,963
Total		\$184,815